

Bruce T. Beesley

Honorable Bruce T. Beesley
United States Bankruptcy Judge



Entered on Docket
August 05, 2014

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*Attorneys for John Beach, Trustee of the
Beach Living Trust dated January 22, 1999*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

ANTHONY THOMAS and WENDI THOMAS

- ☒ Affects AT EMERALD, LLC
☐ Affects all Debtors

Case No.: BK-N-14-50333-btb
Chapter: 11

[Lead Case – Jointly Administered]

Case No.: BK-N-14-50331-btb
Chapter: 11

**ORDER ON MOTION TO COMPEL
PRODUCTION OF REQUIRED
KEY OR AUTHORIZE DRILL OUT
OF VAULT LOCK**

Hearing Date: July 30, 2014

Hearing Time: 10:00 a.m.

Creditor John Beach (“Beach”), as trustee of the Beach Living Trust dated January 22, 1999 (the “Beach Trust”), by and through its attorneys, Holland & Hart LLP, filed its Motion to Compel Production of Required Key or Authorize Drill Out of Vault Lock and Reply (the

1 “Motion” and “Reply”, respectively) [Dkt#124 and 152, respectively] seeking an order from this
2 Court in support of examination of the Debtor’s primary asset secured in a vault in Sarasota,
3 Florida. The Debtor, by and through its attorney, Holly E. Estes, Esq. of the Law Offices of
4 Alan R. Smith, filed its opposition [Dkt #150] to the Motion requesting that the Motion be
5 denied. The Court, having reviewed the parties’ pleadings and the case file, and after argument
6 of counsel at the hearing on this matter, placed its findings on the record which are incorporated
7 by reference pursuant to F.R.B.P. 7052 and F.R.C.P. 52; and,
8

9 **IT IS HEREBY ORDERED** that:

10 1. The Debtor and/or it’s principle, Anthony Thomas, provide the key necessary to
11 access the Sarasota Vault where the Debtor’s emerald is stored to Debtor’s counsel no later than
12 Friday, August 1, 2014;

13 2. Debtor’s counsel shall thereafter immediately deliver the key to counsel for the
14 Beach Trust, Mr. Lukas, in order to access the vault and complete the examination as scheduled
15 in Florida;

16 3. The individuals accessing the vault and examining the emerald shall be limited to
17 a representative of the Beach Trust, its counsel and a gemologist. Counsel for the Beach Trust
18 shall provide Debtor’s counsel the name of all individuals accessing the vault prior to such
19 examination including the name and qualifications of any gemologist, the name of the
20 representative of the Beach Trust, and the name and bar number for counsel present while the
21 examination of the emerald is to take place; and

22 4. One week following the inspection by the Beach Trust, the Debtor and the Beach
23 Trust shall file a status report with the court on the results of the examination and status of the
24 sale previously approved by the Court.

25
26 **IT IS SO ORDERED**
27
28

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Attorney/Party	Approved	Disapproved	Failed to Respond
Holly E. Estes, Esq., attorney for the Debtor	X		

☐ I certify that this is a case under chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

SUBMITTED BY:

/s/ Timothy A. Lukas

TIMOTHY A. LUKAS, ESQ.

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